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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HOGAN & HARTSON LLP
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Washington, DC 20004

EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/616,300

Applicant(s)

BACHANN

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Ex. Daniel Felten replacing Ex. James Alpert in the examination of the case.
2. Receipt for the Request for Continued Examination ("RCE") filed February 28, 2007 is acknowledged.

Response to Arguments

3. Applicant's arguments filed February 28, 2007 have been fully considered but they are not persuasive. The rejections are maintained because of the following 35 USC 112, 2nd para issues below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject matter of a properly construed claim is defined by terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in the claim will dictate whether the claim language limits the claim scope. Language that suggest or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of the claim or claim limitation. Thus, "wherein the global debt service is further based upon individual debt service information and corporate global debt service information, including credit policy and credit risk," includes a "wherein" clause that raises a question as to the limiting

effect of the language in the claim (including amendments after the "wherein" claim language)[see MPEP 2106 & 2111.04]

--claim 2 and 4 remain rejected. [see reasoning in Office Actions provided January 30, 2006 & April 27, 2005 respectively.

6. Claim 2 recites the limitation "its" in the claim language. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The text of 35 U.S.C. §103, which is not included in this action, can be found in a prior Office action. Claims 1-16,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweeney, U.S. Patent Application Publication #20030065614 in view of Schnall, U.S. Patent Application Publication #20020116323.

Regarding Claim1, Sweeney teaches a method comprising:
consolidating financial information from at least one of a borrower, a guarantor and a property into a central database; (Page 3, Paras. 37-40)
calculating financial cash flow for at least one of the guarantor, the borrower and the property (Page 1, Para. 4)

Before a full discussion occurs of Applicant's arguments, the examiner would like to observe that when the term "credit decision information" or "credit information" is used, the examiner interprets this to include obvious factors such as how much money is requested, how much debt the entity currently has, how much income or cash flow occurs currently, as well as how

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responsible the entity has been in the past with the entity currently has, how much income or cash flow occurs currently, as well as how responsible the entity has been in the past with previous obligations. These are fairly obvious to one of ordinary skill in the art, and even perhaps to those unskilled in the art: anyone who has ever sought to obtain a loan is aware of the above factors.

Applicant has argued that Sweeney is distinguishable over the current application because Sweeney does not teach consolidation of disparate types of information and consolidated decisioning. The examiner disagrees. Initially, the first limitation of Claim 1 specifically refers to consolidation of financial information from "one of" three entities. To this end, Sweeney need not necessarily show any consolidation in that if financial information is provided by only one of the three entities, no consolidation will occur.

The examiner would then observe that the cited passages of Sweeney demonstrate at least the following:

1. Providing business identification information.
2. Providing business credit information
3. Providing information regarding sources and uses of loans.
4. Providing cash flow information.

While it is unclear exactly what type of financial information is contemplated under claim 1, the examiner is sure that any reasonable interpretation would include the above. Applicant is reminded that claims may be given the broadest reasonable interpretation. See In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Further, Sweeney discloses that collateral, business experience, and most importantly cash flow are underwriting considerations for any business loan (Para. 4).

Without delving into whether the claims actually require consolidation of information from more

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than one entity, Sweeney affirmative discloses this aspect of applicant's invention. In addition to business credit information being collected, personal information is collected as well by individuals supporting the business application. In addition to (Paras. 37-40), see (Para. 59) and (Page 5, Table 1), which specifically discloses involving personal credit factors in addition to business factors into a consolidated credit decision.

It is clear that that Sweeney is involved in an automated underwriting decision based on information gathered from an entity based on cash flow (as well as other) considerations. It is clear that Sweeney also attempts to integrate these considerations among the business entity as well as the personal entities comprising the business. Sweeney anticipates the first two limitations of claim 1.

The remaining limitation of claim 1 comprises:

unifying individual and corporate financial wealth, which is based upon the step of calculating financial cash flow, to determine global debt service, wherein the global debt service is further based upon individual global debt service information and corporate global debt service information.

Initially, the applicant would point out that the ordinary meaning of "debt service" is simply the amount of cash required to meet current interest and principal payments. Applicant appears to intend (at least by considering the dependent claims) that this term is more of a "cash in-cash out" calculation. In either case, Sweeney teaches this type of consideration, albeit in the form of a matrix. Sweeney does not appear to expressly disclose an analysis that is based on added values. The examiner has cited the Schnall reference to establish this, and at (Para. 18) the reference recites:

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"...credit information associated with a secondary part 113 may be analyzed to assist in approving the loan. Secondary party can be a person, an organization such as corporation or partnership. Or any other entity capable of assisting party 106 qualify for a loan...

One interpretation of the above cited paragraph is that among other things, Schnall seeks to consolidate information of both business and personal entities in order to determine loan eligibility, including total debt and total income. As such, a combination of the reference would teach Applicant's invention substantially as claimed. Further, the motivation to modify references is unchallenged by applicants, and is within the knowledge generally available to one of ordinary skill in the art: considering the most accurate credit picture available, which stems from consolidation of corporate and personal financial health of both entities, will result in lower default and better credit decisions. The rejection of Claim 1 under §103 is maintained.

Claims 2-16 similarly remain rejected as detailed below:

With regard to Claim 2, Sweeney teaches a method further comprising:

determining whether a loans to one borrower threshold is met;

(Page 3, Para. 39)

enabling a financial institution to regulate its credit policy and credit risk in relation to accepted regulations; and (Page 2, Para..28)

enabling the financial institution to identify demographics.

(Page 1, Para. 15)

With regard to Claim 3, Sweeney teaches a method wherein:

the borrower threshold is a minimum dollar amount.

(Page 3, Para. 39)

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With regard to Claim 4, Sweeney teaches a method wherein:

the currently accepted regulations are at least one of governmental and banking regulations.

(Page 2, Para. 28)

With regard to Claim 5, Sweeney teaches a method wherein:

the demographics include at least one of an industry type and an industry sector. (Page 2, Para. 28)

With regard to Claim 6, Sweeney teaches a method wherein:

unifying includes determining at least one of the number of borrowers and guarantors; (Page 3, Paras. 37-39)

obtaining individual financial information;

(Page 5, Table 1, "Personal Credit History")

obtaining individual global debt service information;

(Page 5, Table 1, "Personal Credit History")

Sweeney does not specifically disclose:

generating an individual global debt service report; and generating an individual financial report, in that Sweeney teaches a "matrix", e.g. report, that considers both personal and corporate indicators. However, Schnall teaches making a debt report on an individual at (Page 3, Para. 32).

It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to collecting and consolidating borrower information with the teachings of Schnall, relating to forming a debt report on the individual. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

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With regard to Claim 7, Sweeney teaches a method wherein unifying further comprises:

obtaining corporate financial information; and

(Page 2, Para. 34 - Page 3, Para 35)

spreading and calculating corporate financial reports.

(Page 3, Para. 42)

With regard to Claim 8, Sweeny teaches a method further comprising:

obtaining a corporate global debt service information;

(Page 2, Para. 34 - Page 3, Para 35)

and generating a corporate global debt service report.

(Page 3, Para. 42)

With regard to Claim 9, Sweeny does not expressly teach a method wherein:

the individual global debt service report includes at least one of asset information and a ratio between income and expenses.

However, Schnall teaches making a debt report including asset information of an individual and a ration in terms of a credit report at (Page 2, Para. 17). It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to creating a debt service report in the form of a credit analysis with the teachings of Schnall, relating to including asset information and other financial data relating to the applicant for credit. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

With regard to Claim 10, Sweeny does not expressly teach a method wherein:

the individual financial report includes at least one of a credit report, asset and liability

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information and tax information.

However, Schnall teaches making a debt report including asset information of an individual and a ration in terms of a credit report at (Page 2, Para. 17). It would have been obvious at the time applicant's invention was made to combine the teachings of Sweeney relating to creating a debt service report in the form of a credit analysis with the teachings of Schnall, relating to including asset information and other financial data relating to the applicant for credit. The motivation for such a combination is to present data in a compact, easy-to-use manner, as pointed out in Schnall at (Page 1, Para. 7) where it discusses the benefits of knowing the status of administered loans.

With regard to Claim 11, Sweeny teaches the method wherein:

the corporate financial information includes at least one of current assets, liabilities and credit information. (Page 5, Table 1)

With regard to Claim 12, Sweeny teaches the method wherein:

the corporate financial reports include at least one of current asset information, non-current asset information; general liability information, net worth information, income, expenses and adjustments to earnings. (Page 3, Para. 42, Page 5, Table 1)

With regard to Claims 13-16, Sweeny does not specifically detail each of the "formulas" that are claimed for calculating cash flow, individual global debt service, and corporate global debt service. However, these specific formulae are standard accounting techniques and as such, are old and well known in the art. For any of Claims 13-16, it would have been obvious to incorporate these known practices into a method reflecting a Sweeny-Schnall combination that teaches a loan application evaluation and report based upon both individual and corporate cash flow and debt service. The motivation for such an incorporation is stated in Sweeney at (Page 1, Para. 14)

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where it discusses the importance of standardizing business practices, eg credit-granting decisions, which would occur using established accounting practices.

With regard to Claim 30, Sweeny teaches the method wherein the consolidating, calculating and unifying steps are based upon information received from a score based decisioning engine, a non-score based decisioning engine and a commercial and real estate decisioning engine. (Para. 59; Page 5, Table 1) .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF
3/30/2007



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